

CITY COUNCIL CONFERENCE MINUTES

March 23, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in conference at 5:00 p.m. in the Municipal Building Conference Room on the 23rd day of March, 2010, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Atkins, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT:

Councilmember Butler

DISCUSSION REGARDING THE CONTRACT WITH CLEVELAND COUNTY SHERIFF'S OFFICE PROVIDING JAIL SERVICES TO THE CITY OF NORMAN PRISONERS.

Ms. Jeanne Snider, Assistant City Attorney, said staff had been working with the Cleveland County Sheriff's Office for the last few months and that prior to 1998 had been paying \$25 per day per prisoner although there had not been a written agreement. She said in 1999 the City and the Board of Cleveland County Commissioners had entered into a contract for \$30 per day and that cost remained the same until June of 2006. She said in July of 2006, costs were raised to \$35 per day and that contract expired June 30, 2009. She said the County has raised the fee to \$45 per day as of March 1, 2010. She highlighted costs in other areas of the state and said presently Garvin County's rate is \$22 per day, Oklahoma County is approximately \$43 per day; and Midwest City is \$1.75 per hour which equates to \$42 per day. She said Midwest City has \$750,000 budgeted annually for jail costs and has approximately 70 beds which are used by other cities at that cost. She said Edmond, Lawton, and Stillwater own their own jail facilities; however, Edmond only has 6 to 7 beds.

Chief Phil Cotten said the fees paid to Oklahoma County is based on the number of days per year and the Consumer Price Index. He said the amount this year that was paid per day was \$42.58.

Ms. Snider said costs were calculated based on anticipated "prisoner days" per year rather than actual prisoners incarcerated because there can be one prisoner serving multiple days or five prisoners serving one day each. She said in FYE 2008 there were 4,971 annual prisoner days with an average of 414 monthly prisoner days and in FYE 2009 had 3,679 annual prisoner days with an average of 307 monthly prisoner days. She said 4,224 annual prisoner days are projected for FYE 2010 or 352 monthly prisoner days with projected costs of \$35 per day for eight months and \$45 per day for four months. For FYE 2011, 4,296 annual prisoner days with an average of 352 monthly prisoner days are projected with a cost of \$45 per day. She said \$120,000 annually has been budgeted from FYE 2008 through FYE 2010. She said in FYE 2008, \$173,985 in jail costs was paid to the County with a supplemental appropriation of \$53,985 and \$128,765 was paid in FYE 2009 with a supplemental appropriation of \$8,765. She said \$161,920 was projected in FYE 2010 and \$190,080 in FYE 2011. She said Oklahoma State Statute allows cities to collect from prisoners the cost of their incarceration and these costs are collected as part of the court costs in Municipal Court and deposited in the General Fund. The following is a breakdown of reimbursement from prisoners:

	FYE 08	FYE 09	FYE 10	FYE 11
Total Costs Paid to County	\$173,985	\$128,765	\$161,920	\$190,080
Reimbursement to General Fund	\$ 45,933	\$ 38,000	\$ 49,866	\$ 44,600
Amount Not Reimbursed	\$128,052	\$ 90,765	\$112,054	\$148,720

She said proposed and future adjustments are based on jail operation costs. The increase of \$45 is based on current jail operations prorated at the number of prisoners incarcerated. Once the new jail facility is completed, the rate will be reviewed and adjusted to reflect anticipated improved operational efficiencies. She said the new jail is anticipated to be completed by mid-2011.

Chief Cotten said the original proposal had been \$56 per day which was the total budget divided by the authorized bed space capacity of 178 beds and the fee had been reduced after changing authorized bed space to actual number of prisoners which is approximately 230. He said transportation costs were also removed from the contract because the City transports their own prisoners to the jail. He said after those costs were removed and cost comparisons of other cities were completed, the fee was negotiated at \$45 per day.

Councilmember Dillingham asked if other surrounding cities will pay the same amount and Chief Cotten said Moore and Noble had already signed off on the contract for the same amount.

Councilmember Kovach asked if the City was still transporting prisoners to Pottawatomie County. Chief Cotten said Cleveland County Sheriff's Office transports prisoners to Pottawatomie County.

Councilmember Quinn said the amount of money collected from prisoners seemed low compared to the City's costs and asked how these reimbursements are determined. Ms. Snider said we charge the prisoners \$35 per day but are not able to collect from all of them and the costs can only be reimbursed when the prisoners pay. Mr. Jeff Bryant, City Attorney, said some of the prisoners are indigent and are unable to pay the costs while they are in jail.

Mayor Rosenthal asked if there was language in the contract addressing when the City will start paying the increased fee. Mr. Bryant said the new contract states the contract is effective on March 1, 2010, and will be renewed automatically every year unless 60 days written notice is given by either party.

Councilmember Cubberley asked Staff whether Cleveland County had provided actual expenses for prisoner care and Chief Cotten said Sheriff Joe Lester had furnished that information.

Councilmember Atkins asked whether the contract with a collection agency on tonight's City Council regular agenda will address these unpaid fees by prisoners. Ms. Snider said these costs are considered court costs and would be included in the new contract.

Councilmember Kovach said there had been quite a reduction in the number of prisoners in 2009 compared with 2008 and asked if this was due to efforts to minimize incarceration. Ms. Ronda Guerrero, Municipal Court Administrator, said in 2008, if an order was issued against a defendant and the defendant was issued a citation for failure to appear and did not pay that citation, they were put in jail. Ms. Guerrero said when a defendant is committed for non-payment or for bond, jail costs are not assessed to the prisoner but the City still has to pay those costs and the prisoner is given credit for time served for those days in jail. Ms. Snider said the judge is now issuing orders differently by allowing at least thirty days to pay and sometimes longer. Ms. Snider said the economic situation of each defendant is assessed and as long as the defendant comes back to court, the judge will work with them. When the defendant fails to come back to court, a warrant is issued.

Chief Cotten said some other options for prisoner care were to use Midwest City; however, two officers were required to transport the prisoner and since it is located in the area of Reno and Douglas, time and distance needed to be factored in. He said Chickasha could also be considered but the distance is farther

than Midwest City. He said Cleveland County provided some medical care and meals and some of the other jails did not.

Councilmember Cubberley asked if the Jail Oversight Committee had reviewed this contract. Mayor Rosenthal said the Jail Oversight Committee is not a functioning committee at this time.

Mayor Rosenthal said the new fees will be included in the FYE 2011 Budget. City Manager Lewis said the contract would be submitted for Council's approval on the April 13, 2010, agenda.

Items submitted for the record

1. Memorandum dated March 11, 2010, from Phil Cotten, Chief of Police, from Major Jim Maisano, Norman Police Department, to the Honorable Mayor and Councilmembers
2. Contract No. K-0910-69
3. PowerPoint Presentation entitled "City of Norman Jail Services Contract, Council Conference, March 23, 2010"

Participants in discussion

1. Ms. Jeanne Snider, Assistant City Attorney
2. Mr. Phil Cotten, Police Chief
3. Ms. Ronda Guerrero, Municipal Court Administrator

The meeting adjourned at 5:55 p.m.

ATTEST:

City Clerk

Mayor